

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

DAN DEWAYNE NEWCOMB

PLAINTIFF

v.

No. 3:16CV119-MPM-DAS

OKTIBBEHA COUNTY

STEPHANIE PERKINS, STARKVILLE POLICE DETECTIVE

SCOTT COLOM, DISTRICT ATTORNEY

JIM HOOD, ATTORNEY GENERAL

PHIL BRYANT, GOVERNOR

DEFENDANTS

JUDGMENT

Having considered the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge and the objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is ordered:

1. That the plaintiff's objections to the Magistrate Judge's Report and Recommendation are **OVERRULED**;
2. That the Report and Recommendation of the United States Magistrate Judge is hereby **APPROVED AND ADOPTED** as the opinion of the court;
3. That defendants Colom, Hood, and Bryant are **DISMISSED** with prejudice from this suit, as they had no personal involvement in the incident;
4. Further, that defendant Colom is **DISMISSED** with prejudice from this case because, as a prosecutor, he enjoys absolute immunity from civil suit as to his responsibilities as an advocate;
5. The plaintiff's claims against Starkville Police Detective Stephanie Perkins for failure to bring the plaintiff before a neutral and detached magistrate in a timely fashion will

PROCEED;

6. Likewise, the plaintiff's claims will **PROCEED** against Oktibbeha County for failure to implement a policy to ensure that criminal defendants are presented expeditiously to a judge after arrest – and are promptly appointed counsel once their pauper status has been determined.

SO ORDERED, this, the 30th day of March, 2017.

/s/ MICHAEL P. MILLS

**UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI**